

September 14, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, September 14, 2005, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINGER, Director of Finance  
WENDELL J. EBERLY, Director of Recreation and Facilities  
JENNIFER M. HOOVER, Director of Public Works  
FRANKLIN P. O'BYRNE, Director of Information Systems  
DIANA C. STULTZ, Zoning Administrator  
ROBERT A. SYMONS, Fire and Rescue Chief  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD F. KOMARA, Resident Engineer  
Virginia Department of Transportation

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION.**

Chairman Cuevas called the meeting to order at 3:00 p.m.

Deputy Administrator Paxton led the Pledge of Allegiance and Chairman Cuevas gave the Invocation after asking for a moment of silence for the family of Bonnie N. Hoover, an active citizen from the Broadway community who contributed many years of her time and talents to the County. Ms. Hoover recently passed away.

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**APPROVAL OF MINUTES.**

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on August 24, 2005.

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**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

He reminded the Board of the Preallocation Hearing for the Primary System to be held at the Rockingham County Administration Center on October 6, 2005.

Supervisor Kyger noted that he and Mr. Komara would meet with Belmont residents at 2:00 p.m. on September 29, 2005, to discuss the transportation network around Belmont Estates.

Supervisor Breeden asked whether the contractors for the Route 33 bypass would work through the winter months and whether this would prevent customers from accessing the businesses in the area. Mr. Komara advised that the job would proceed through inclement weather and that customers would be able to enter and exit the businesses.

Supervisor Floyd suggested that signs be posted on Route 33 to let motorists know that the businesses are open. However, Mr. Komara advised that directional signs are not permitted on federally-funded highways.

Supervisor Breeden asked Mr. Komara to investigate whether the traffic speed on Route 644 should be lowered.

Supervisor Floyd noted that the depression in the road at Lake Shenandoah needs to be filled with gravel again.

Chairman Cuevas asked Mr. Komara to investigate a dust problem at Wampler and Early Roads.

The Board received the following report containing a list of changes to the Secondary System of State Highways - Addition - Stony Run, Sections 2,3 - Board Resolution dated June 22, 2005, effective August 5, 2005.

East Trout Spring Road Rt. 01054 from Route 1050 (Stony Run Drive to cul de sac, 0.05 mile  
Stony Run Drive - Rt. 01050 from Route 1053 (West Trout Spring Road) to dead end, 0.03 mile  
Stony Drive - Rt. 01050 from Route 1052 (Floyd Circle) to Route 1053 (West Trout Spring Road), 0.11 mile  
West Trout Spring Road - Rt. 01053 from Route 1050 (Stony Run Drive) to dead end, 0.02 mile.

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**PROPOSED RELOCATION STUDY FOR RAILROAD LINE.**

The Board heard a presentation by Todd Weatherford, Ralph Whitehead Associates, regarding a proposed relocation study for a railroad line through JMU and Harrisonburg. He proposed three alternatives for the approximately \$75 million project which would take from 6 to 15 years to complete. The proposed project would entail the relocation of approximately 3.1 miles of the EB Line located in downtown Harrisonburg, removing the train traffic along this corridor from the downtown and JMU campus areas and relocating the line to an area north of the City in Rockingham County.

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**RESOLUTION NO. 05-25 REGARDING VPSA SUBSIDY BOND SALE - MONTEVIDEO AND ELKTON MIDDLE SCHOOLS.**

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution.

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF ROCKINGHAM COUNTY, VIRGINIA**

**WHEREAS**, the School Board of Rockingham County, Virginia (the "School Board") anticipated various loans from the Literary Fund to finance a portion of the costs of the acquisition, construction, expansion and equipping of certain public school facilities in Rockingham County, Virginia (the "County"); and

**WHEREAS**, the School Board was advised that direct loan funding from the Literary Fund would not be available during the 2004 calendar year; and

**WHEREAS**, the School Board, in order to meet the needs of present and future enrollments, requested assistance from the Industrial Development Authority of the Town of Broadway, Virginia (the "IDA"), to issue its \$8,500,000 lease revenue note for the benefit of the School Board in order to provide interim funds to the School Board to acquire, construct, expand and equip public school facilities within the County, including but not limited to Montevideo Middle School and Elkton Middle School (all capital projects for school purposes in the County being collectively referenced herein as the "Project"); and

**WHEREAS**, on April 29, 2004, the IDA issued its \$8,500,000 Lease Revenue Note (the "Note") to SunTrust Bank for the benefit of the School Board; and

**WHEREAS**, additional funds for the Project were provided by the County to the School Board from time to time to pay a portion of the costs of the Project; and

**WHEREAS**, the Virginia Public School Authority (the "VPSA") has been authorized by the Virginia General Assembly to purchase local school bonds and provide an interest rate subsidy in Fall 2005, in lieu of the anticipated Literary Fund loans, which subsidized financings will couple VPSA bond financings plus lump sum cash grants to the school division from the Virginia Department of Education (such subsidy financings being collectively referenced herein as the "VPSA Subsidy Bond Sale"); and

**WHEREAS**, the School Board, at its regular meeting duly held on September 13, 2005, has duly requested and consented to the issuance of up to \$11,000,000 general obligation school bonds by the County in connection with the Project, and, further for the County to take all such necessary action required by law in order to be eligible to participate in the soonest available VPSA Subsidy Bond Sale (whether in Fall 2005, or, alternatively, in Fall 2006, as the case may be); and

**WHEREAS**, it is anticipated that the VPSA would approve the purchase of such bonds, either in the VPSA Subsidy Bond Sale in Fall 2005 (assuming sufficient subsidy funds therefore), or, alternatively, in the VPSA Subsidy Bond Sale in Fall 2006, in order to provide a portion of the financings which had been anticipated from the Literary Fund in connection with the Project; and

**WHEREAS**, the proceeds of the VPSA Subsidy Bond Sale would be used by the Rockingham County Public Schools to retire and pay the outstanding amount of the Note, and, further, to reimburse the County and/or the School Board, as the case may be, for a portion of the costs of the Project that were previously paid from otherwise lawfully available funds.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Rockingham County, Virginia, that it is in the best interest of the County to consider participation in the Fall 2005 VPSA Subsidy Bond Sale, or, if there are insufficient subsidy funds in Fall 2005, to consider participation in the Fall 2006 VPSA Subsidy Bond Sale; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors hereby approves, ratifies and consents to the submission of an application to the VPSA consistent with the intent of this Resolution with respect to such general obligation school bonds of the County in an aggregate principal amount not to exceed \$11,000,000 for the purpose of providing funds to pay a portion of the costs for the Project, as described above, and, accordingly, hereby calls for a public hearing to be duly held on September 28, 2005, in order for the County to consider the issuance of such bonds, for the purposes described herein.

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**VIRGINIA COOPERATIVE EXTENSION.**

The Board heard a presentation by Eric Bendfeldt and Stephanie Diehl, Virginia Cooperative Extension, concerning the activities of the Extension Service and the new District Office in Harrisonburg to which Mr. Bendfeldt has been relocated.

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**ROCKINGHAM COUNTY TRANSPORTATION PROGRAM.**

The Board heard a presentation by Donald Driver, Harrisonburg-Rockingham Social Services District Director, regarding the proposal for the Rockingham County Transportation Program. Mr. Driver presented a plan for a program to be administered by the Department of Social Services which would offer critical and essential transportation services to Rockingham County citizens who are unable to provide these services for themselves. He advised that the program would supplement, not supplant, services that are already available.

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the transportation plan for a limited public transit system in the County and, as recommended by the Finance Committee, approved an additional appropriation of \$119,900 to continue the program through June 31, 2006, with this funding to come from the General Fund Reserve. The Board will re-evaluate the program during next year's budget process.

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**RECESS.**

Chairman Cuevas declared the meeting recessed from 4:28 to 7:00 p.m. for a field trip to Natural Sand & Stone Co., LLC, and for dinner.

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**PUBLIC HEARING - SPECIAL USE PERMIT REQUESTS.**

At 7:00 p.m., Chairman Cuevas called the meeting back to order and declared it open for a public hearing on the following special use permit request.

Ms. Stultz reviewed the request and staff's recommended conditions, should the request be approved by the Board.

S05-36, request of Dynamic Aviation Group, Inc., PO Box 7, 1402 Airport Road, Bridgewater, for an airport capital improvement plan (parking lots, support shops, 2 hangars, renovations and security upgrades on property located on the north side of Airport Road (Route 727) approximately 1 mile east of Warm Springs Pike (Route 42) in Ashby Magisterial District, Election District #4, zoned M1 and A2. Tax Map #136-(A)-89 & 137-(A)-36. (This public hearing was recessed from June 22, 2005.)

Ms. Stultz advised that the runway extension request had been removed from the application

Mike Stolfus read a statement, requesting approval, and noting that the present facilities are not meeting the current space needs of the company.

There were no objections raised.

Chairman Cuevas closed the public hearing at 7:05 and called the regular meeting back to order.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-36, request of Dynamic Aviation Group, Inc., PO Box 7, 1402 Airport Road, Bridgewater, for an airport capital improvement plan (parking lots, support shops, 2 hangars, renovations and security upgrades on property located on the north side of Airport Road (Route 727) approximately 1 mile east of Warm Springs Pike (Route 42) in Ashby Magisterial District, Election District #4, zoned M1 and A2.

- (1) The uses shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Buildings shall comply with the Statewide Building Code, and the proper permits shall be obtained.
- (3) Applicant shall obtain a permit from VDOT for the relocated entrance. Said permit shall be presented to the Zoning Administrator prior to obtaining building permits.
- (4) This permit is contingent upon applicant obtaining an on-site sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (6) Off-street parking shall comply with the Rockingham County Code.

- (7) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (8) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (9) Any buildings associated with this expansion shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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At 7:06 p.m., Chairman Cuevas declared the meeting reopened for a public hearing to consider the following special use permit applications.

Ms. Stultz reviewed the requests and staff's recommended conditions, should the special use permits be approved by the Board.

S05-47, request of Gary W. Simmers, 8359 Simmers Valley Road, Harrisonburg, for a residence involving a division of land to a non-family member on property located on the west side of Simmers Valley Road (Route 619) approximately 2 miles north of Longs Pump Road (Route 721) in Linville Magisterial District, Election District #2, zoned A1. Tax Map #65-(2)-3A.

Mr. Simmers advised that the land in question did not "serve for agriculture" any longer, that it was separated from the vineyard by a ravine, on a hill, not accessible and bounded on two sides by existing development.

There were no objections raised.

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S05-48, request of Jeffrey Keith Jordan, 5719 Spring Creek Road, Bridgewater for a residence involving a division of land to a non-family member on property located on the west side of Jordan Hill Road (Route 613) approximately 3/8 mile southwest of Spring Creek Road (Route 727) in Ashby Magisterial District, Election District #4, zoned A1. Tax Map #121-(A)-50.

Mr. Jordan said the site had been in his family for many generations, going back to the Civil War. He said he would like to keep the house in the family for his children and build a one-story house for himself.

There were no objections raised.

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S05-49, request of Valley Protein, Inc. % Engineering Solutions & Construction Management, 1010 N. Main

Street, Harrisonburg for an expansion to a non-conforming use (boiler room) on property located on the northeast side of Kratzer Road (Route 753) approximately 8/10 mile southeast of Harpine Highway (Route 42) in Linville Magisterial District, Election District #2, zoned A2. Tax Map #79-(A)-89.

There were no requests to speak on this matter.

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S05-50, request of Dain T. & Kathleen K. Hammond, 494 Pointe Drive, Harrisonburg, for a residence involving a division of land from grantor to self on property located on the east side of Simmers Valley Road (619) approximately 1.5 miles north of Longs Pump Road (Route 721) in Linville Magisterial District, Election District #2, zoned A1. Tax Map #80-(A)-91.

Dain Hammond said he was trying to buy a farm and separate a piece off to build a house and put the rest in a family trust.

Mark Deavers objected to the request. He expressed concern that the noise and odors from his own farm would be objectionable to the people living in the new house. He also noted concern that property values would increase and that the applicant would approach the Board in the future to build another house on the property.

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S05-51, request of Olde Town L.L.C./J. L. Hopkins, PO Box 27, McGaheysville, for a car wash on property located on the southwest side of Spotswood Trail (33) and Island Ford Road (Rt. 649) in Stonewall Magisterial District, Election District #5, zoned B2. Tax Map #142A2-(A)-14.

J.L. Hopkins said he was trying to rejuvenate the McGaheysville area. He noted that Wayne Printz, operator of the car wash, was experienced and would do his own maintenance of the facility.

Rene Richert said the proposed car wash was not shown on the same location as the map she received in the mail. She said the vehicles entering the facility would shine their lights directly into her back yard, as well as into her windows, and interfere with any enjoyment she and her family could have outside. She expressed concern about the noise and the incompatibility of the operation with the rest of the neighborhood.

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S05-52, request of Lawrence O. Carrier, 13079 Wampler Road, Broadway, for a residence involving a division of land from grantor to self on property located on the west side of Wampler Road (Route 619) approximately 1 1/2 miles north of Mayland Road (Route 259) in Plains Magisterial District, Election District #1, zoned A1. Tax Map #52-(A)-251.

The applicant was present to answer questions; no objections were expressed.

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S05-53, request of East Gate Ministries, 3612 Cricket Lane, Bridgewater, for a maternity and post-delivery home for women; counseling center and office (like use to a group home) on property located on the northwest side of Cross Keys Road (Route 276) approximately 1/4 mile northeast of Port Republic Road (Route 253) in Ashby Magisterial District, Election District #3, zoned A2. Tax Map #140-(A)-2E.

Lynn Suter, attorney for East Gate Ministries, explained that the mothers would not stay at the home after their babies were delivered. She said the staff would provide counseling for young women who had suffered from rape and abuse. She pointed out the main house on the property, 4,500 square feet, with 6 to 7 bedrooms, which would be used for the residence. She noted that the smaller house would be used for offices and counseling services. She advised that up to 8 women would be in the larger house, and 2 house parents would live downstairs. She noted that the property had two septic systems, and the applicant would do whatever was required by the Health Department to bring those systems into compliance. She pointed out that the property has a strong well. She advised that VDOT had indicated that no upgrades to the roads were necessary. He introduced Ilse Weaver, Chairman of the Board of Directors. She asked that those in favor of the application stand, and a large number of people in the audience rose. She indicated that East Gate Ministries would not be promoting the maternity home as it would be responding to a need in the community, and that the women would ask to be admitted.

Bill Stickley, owner of the property, said the program would teach the mothers to take care of their infants, to manage a home, and get by on their own rather than being "thrown into the welfare system." He said the well was putting out 60 gallons of water per minute, and the traffic flow would be less than when he lived in the house. He noted that there were 7 bedrooms and 4 complete bathrooms in the house when the septic was installed, and the system had never backed up or leaked. However, he noted his willingness to make any improvements necessary if the Health Department asked for them.

Chairman Cuevas pointed out that the well, quality of water and septic systems were issues that were under the control of the State Department of Health and those requirements would have to be met, regardless of the Board's actions.

Lidie Yoder said the operation would help many young women in the community, and many people in the community would be willing to donate time, money and resources. She noted that a doctor would donate prenatal services. She stated that Ms. Weaver had already been approached by a public school employee who wanted to know when the facility would open as there were already 9 pregnant students who needed help.

Dan Stickley said his property was to the back and north side of the site. He listed traffic, parking and the existing septic system as items the Board should consider carefully. He expressed concern that facility would "evolve into something else." He questioned whether there was a demand for the services and wondered where the operating costs would come from. He said the home could house up to 20 people, and he did not think the septic system could accommodate that number. He said the septic system was old, and he was concerned that a septic accident could impair Mill Creek. He also questioned whether there was adequate parking space as well as ingress and egress.

Mr. Cuevas pointed out that the use of the facility, its budget, etc., were not the issues before the Board. He noted that the quality of the septic system was the concern of the Health Department. He reminded the Board that access to the property would be determined by the Virginia Department of Transportation. He added that, if the request was approved, any question concerning parking would have to be resolved during the site plan approval process.

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At 8:05 p.m., Chairman Cuevas closed the public hearing and called the meeting back to order.

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Supervisor Ahrend said he was usually opposed to approving special use permits for residences on A1 land. However, he noted that the Simmers property was in the woods and backed up to other development. On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-47, request of Gary W. Simmers, 8359 Simmers Valley Road, Harrisonburg, for a residence involving a division of land to a non-family member on property located on the west

side of Simmers Valley Road (Route 619) approximately 2 miles north of Longs Pump Road (Route 721) in Linville Magisterial District, Election District #2, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) Entrance shall be constructed in accordance with the permit obtained from VDOT.
- (4) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (5) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (6) If deed exception is made within one year from date of approval of the special use permit, the residence on the property shall be exempt from the one year completion date.
- (7) This residence shall not be used for rental purposes.
- (8) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-48, request of Jeffrey Keith Jordan, 5719 Spring Creek Road, Bridgewater for a residence involving a division of land to a non-family member on property located on the west side of Jordan Hill Road (Route 613) approximately 3/8 mile southwest of Spring Creek Road (Route 727) in Ashby Magisterial District, Election District #4, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) If deed exception is made within one year from date of approval of the special use permit, the residence on the property shall be exempt from the one year completion date.
- (5) This residence shall not be used for rental purposes.
- (6) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board S05-49, request of Valley Protein, Inc. % Engineering Solutions & Construction Management, 1010 N. Main Street, Harrisonburg for an expansion to a non-conforming use (boiler room) on property located on the northeast side of Kratzer Road (Route 753) approximately 8/10 mile southeast of Harpine Highway (Route 42) in Linville Magisterial District, Election District #2, zoned A2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Addition shall comply with the Virginia Uniform Statewide Building Code and the proper permits shall be obtained.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (5) Addition shall not be used until a certificate of occupancy is obtained from the County.

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In regard to the Hammond Special Use Permit application, Mr. Hammond advised that his desire was to "maintain the framing so the current use will not change. In regard to property values, he noted that this was something beyond his control. He assured the Board that he was not trying to "circumvent the system." He noted that he might want to move to another location on the property after retirement. He pointed out that he had grown up on a cattle farm and would not be concerned with the odor and noise emanating from his neighbor's farming operations.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the approved S05-50, request of Dain T. & Kathleen K. Hammond, 494 Pointe Drive, Harrisonburg, for a residence involving a division of land from grantor to self on property located on the east side of Simmers Valley Road (619) approximately 1.5 miles north of Longs Pump Road (Route 721) in Linville Magisterial District, Election District #2, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.

- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) Septic shall be installed in accordance with permit #182-05-319.
- (5) If deed exception is made within one year from date of approval of the special use permit, the residence on the property shall be exempt from the one year completion date.
- (6) This residence shall not be used for rental purposes.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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Supervisor Breeden asked where the Olde Town car wash would be located. Ms. Stultz said the map showed an approximate location.

Nathan Blackwell, engineer, said the construction drawings were still being developed. He noted that a large storm pipe runs from Island Ford Road going to the property, and for this reason, the location of the car wash had been changed somewhat so that it would not be located on top of the storm pipe.

Wayne Printz said the car wash would operate from 7:00 a.m. to 11:00 p.m. He said he would be more than happy to work with the neighbors on suitable hours. He pointed out that he lived in a residential neighborhood and he had a very good relationship with the neighbors of his car wash in another location. He advised that the automatic dryer would be on the opposite end of the property from his neighbors. He noted that he was in the process of evaluating a fan driver. He pointed out that he had been in the car wash business for over 20 years. He stated that the lights from vehicles driving in would be directed toward the bank, and the water would be recycled.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-51, request of Olde Town L.L.C./J. L. Hopkins, PO Box 27, McGaheysville, for a car wash on property located on the southwest side of Spotswood Trail (33) and Island Ford Road (Rt. 649) in Stonewall Magisterial District, Election District #5, zoned B2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT may require an extension of the existing right-turn lane on Island Ford Road. If so, applicant shall meet that requirement in accordance with VDOT requirements.
- (4) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.

- (5) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (6) Off-street parking shall comply with the Rockingham County Code.
- (7) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (8) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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At Chairman Cuevas' request, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-52, request of Lawrence O. Carrier, 13079 Wampler Road, Broadway, for a residence involving a division of land from grantor to self on property located on the west side of Wampler Road (Route 619) approximately 1 1/2 miles north of Mayland Road (Route 259) in Plains Magisterial District, Election District #1, zoned A1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) Entrance shall be constructed in accordance with permit #05-121 issued by VDOT.
- (4) This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
- (5) If deed exception is made within one year from date of approval of the special use permit, the residence on the property shall be exempt from the one year completion date.
- (6) This residence shall not be used for rental purposes.
- (7) This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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Supervisor Floyd said some "disturbing issues" had been raised concerning the East Gate Ministries property. He said he was familiar with the property and believed some of the issues raised by Mr. Dan Stickley would "bear more investigation." He moved to table the matter and schedule a site visit, probably at the next meeting.

Supervisor Breeden seconded the motion.

Chairman Cuevas said he did not see a relationship between the Board's action and the issues dealing with the Health Department, Department of Transportation or other agencies. He advised that during the time from this meeting until the site visit, unless Supervisor Floyd could come up with issues within the control of the Board, it would be difficult for him to give consideration to denying the application, as it would be very difficult for him to "interfere with the responsibilities" of other governmental agencies. He indicated that the issues which had been brought in opposition to the request were not the Board's "business."

Supervisor Kyger said he could not see any need to table the application, although he would be willing to visit the site.

The motion to table the following application carried by a vote of 4 to 1, voting recorded as follows: AHREND - NO; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

S05-53, request of East Gate Ministries, 3612 Cricket Lane, Bridgewater, for a maternity and post-delivery home for women; counseling center and office (like use to a group home) on property located on the northwest side of Cross Keys Road (Route 276) approximately 1/4 mile northeast of Port Republic Road (Route 253) in Ashby Magisterial District, Election District #3, zoned A2. Tax Map #140-(A)-2E.

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**RZ05-19 MAPLE SHADE, LLC.**

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ05-19 Maple Shade, LLC, 488 Switchboard Road, Harrisonburg, & Shannon Swortzel, 2790 Fort Lynne Road, Harrisonburg, to rezone 72.53 acres from A2 (General Agricultural) to RR-1 (Residential or Recreational) on tax parcel 93 (A) 89 and a portion of 93 (A) 86. The site is located on the east side of Fort Lynne Road (Route 910) and southeast of Cromer Road (Route 765) in Election District #2.

Supervisor Ahrend advised that because the request did not conform completely to the Comprehensive Plan, for the concerns expressed at the public hearing, and because the septic systems were not traditional, he moved to deny the request. Supervisor Kyger seconded the motion which carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

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**PLANNING COMMISSION APPOINTMENT.**

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed Jon D. Ritenour to fill the unexpired term of Orville L. Long on the Planning Commission, such term to begin on October 15, 2005, and expire on August 31, 2007.

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**COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated legislative priorities, a Litter Control Grant recently received by the County, economic development matters, updated school financial information, water contract with the City, Lakewood Sewer project, the Juvenile Detention Home, VDOT meetings, and the proposed rail line relocation.

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**LEGISLATIVE PROGRAM FOR 2006.**

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Legislative Program for 2006.

**ROCKINGHAM COUNTY BOARD OF SUPERVISORS'  
LEGISLATIVE PRIORITIES  
2006 VIRGINIA GENERAL ASSEMBLY**

**Legislative Priorities**

*The Board appreciates the leadership of the Governor and the General Assembly in approving actions in the 2005 session to solidify the long term fiscal strength of the Commonwealth. The actions taken to enhance revenues increased the state funding available for critical education services, and for other services provided in partnership with local government. The Board further recognizes that the difficulty the General Assembly has faced in determining the appropriate measures to enact to provide adequate financial support to sustain and enhance the Commonwealth's transportation network. However, of utmost concern for the County is the necessity for the General Assembly to appreciate the impact that further inaction on this matter will have on the ability of the County to provide services, and on the business community and residents to safely navigate to home and work. The Board calls upon the Governor and the leadership in the General Assembly to take steps to develop a long range*



*sustainable revenue source that will provide an adequate level of funding to allow the state to address the critical transportation infrastructure needs and to not place an increased burden on localities to meet this need.*

*The Board of Supervisors appreciates the dialog that began this past year to address the transportation issue that we have identified. However, the Board believes that the Commonwealth needs to make greater strides in evaluating the level of service demanded by the public, and that state government should then appropriately fund the programs that provide transportation for our citizens, be it road construction, maintenance or mass transit. The Board will continue to work with state government to partner to provide elementary and secondary education, law enforcement, mental health/retardation/substance abuse, and social services, as these are programs at the local level that require a significant partnership with the Commonwealth for the adequate provision of services.*

We also thank you for continuing to address the phased inclusion of the Upper Valley Regional Parks Authority into the State park system.

*Thank you to those in the delegation that have been instrumental in moving forward the proposal for a phased inclusion of the Upper Valley Regional Park Authority into the state system. While much work continues to be done, the report issued in October, 2003 provided a plan for the State to move forward with such inclusion. Mr. Maroon and his staff were supportive in assisting with the preparation of this report. We ask that you support these findings.*

***The Board re-emphasizes the following issues, which are of highest importance to the County for consideration in the 2005 General Assembly:***

1. Provide full funding for elementary and secondary education, as provided in the recent JLARC studies.
2. Fully fund the operational costs for the Comprehensive Services Act for At-Risk Youth, the Health Department, Community Services Board, Regional Jails and Social Services.
3. Abolish the office of the Compensation Board and provide funding for Constitutional Officers in a single block grant. Remove any restrictions or guidelines for the setup of the offices, so that the Officers can work with the locality to more effectively and efficiently utilize the funds provided.

The Board continues to support the following issues:

### **Education**

- Continuation of the current distribution policy regarding lottery proceeds for localities (*thank you for your past and future support of this item*)
- Increase funding of School Construction Trust Fund.
- State funding assistance for technology upgrades and initiatives for elementary and secondary school systems

*Thank you for the strong support of primary and secondary education this past session. We hope that you will continue to increase the Commonwealth's percentage of the total funding for education to meet those standards outlined by JLARC.*

### **Finance**

- Restructuring of the system of taxation for state and local governments, as opposed to the proposals to limit the assessed values of real property in localities.

- Continuation of full funding for the HB599 agreement, and an extension of the current moratorium set to expire in 2010. Attention to this issue is important to protect the County from annexation suit by the City of Harrisonburg.
- Oppose legislation that would discontinue the practice of classifying mobile homes as motor vehicles. This would mean that DMV would no longer issue titles for mobile homes nor would DMV collect the titling fee or sales tax currently associated with the sales of mobile homes.

*The titling/registering of manufactured homes is basically the only tool that the Commissioner of the Revenue has to be able to discover the owners of manufactured homes located in Rockingham County for Personal Property purposes.*

*If the practice of titling is discontinued by DMV, localities will lose the ability to track new home owners, changes in ownership of existing homes, home location, cost, purchase and disposal dates, year, make, size and identification numbers. The titling of manufactured homes is the only way to keep track of ownership for those that are placed in mobile home parks and on rented parcels in the county. Also the effect that discontinuing this practice would have on lien holders should be considered, they would have no title to hold as collateral until the lien is satisfied.*

*Rockingham County currently assess and maintain records for 3,000 manufactured homes with approximately \$200,000 in revenue from the titling taxes*

## **Transportation**

- **The revenue sharing program should be continued at the cap level per locality of \$1,000,000 in order to allow for more or larger projects to be accomplished. In addition, funding should be provided to sufficiently fund the program since cities and qualified towns are now eligible to participate.**
- **Support diligence in expediting the widening of Interstate 81 to six and eight lanes within Rockingham County and the City of Harrisonburg.**
- **Support a plan for funding for the improvements to of Route 253 (Port Republic Road) and a new “interloop” road, Stone Spring Road to alleviate the congestion in that area around the City.**
- **Support current formula for the distribution of transportation funds, with an increase in state funding to meet the transportation needs of the Commonwealth. Specifically as it pertains to the Rockingham County-Harrisonburg area, the General Assembly should provide additional funding to address the critical road needs rather than utilizing existing secondary road allocations.**

## **Economic Development**

- Continue funding for the Governor’s Opportunity Fund, workforce training programs and the Industrial Access Road program as a means for the state to assist local governments in making infrastructure improvements necessary to attract and support economic development

*The Governor’s Opportunity Fund played an important part in the recent construction of a distribution center by Wal-Mart in Rockingham County. Continued funding of this fund is an important tool for Virginia to attract and retain good jobs for Virginians.*

## **Public Safety**

- Establish a form of reimbursement to high traffic interstate localities for services provided in emergency response on I-81 Corridor

- Allow local governments or regional jail authorities to charge inmates a nominal fee per day incarcerated for meal expenses.
- It is important that the funds collected from wireless providers for 911 service be used solely to offset costs to provide this service to residents and not be diverted for other purposes.

**Additional Concerns**

- Support full funding of the state aid formula for public libraries and full funding for the public library technology initiative.
- Support increased state funding for local social services departments providing companion services and for Area Agencies on Aging to extend existing programs of home-delivered meals, homemaker/personal care services and assisted transportation.
- Support local governments’ right to make local land use decisions and oppose legislation that would limit this right.
- Increase statute of limitations to allow more time to find and prosecute violations of County’s subdivision ordinance; and, increase the sanctions for illegal subdivision from \$500 maximum to a range of \$500-\$1000 per parcel to deter such illegal subdivisions
- Oppose a recent proposal by the Secretary of Natural Resources to impose a state fee on local landfill operations (\$ per ton), and on local water and sewer receipts, as a means to fund state environmental initiatives.
- Support the formation of a Commission to make recommendations to the General Assembly to improve the foster care and adoption programs to improve the programs to better serve the interest and needs of the child.

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**COUNTY ATTORNEY'S STAFF REPORT.**

The Board received and reviewed Mr. Brown’s staff report dated September 9, 2005, including information concerning a boundary line adjustment request and update on the status of a NACo prescription drug card program.

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**DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King’s staff report dated September 9, 2005, including information concerning progress at the Technological and Industrial Park (TIP), Hurricane Katrina, and attendance at an ICMA conference later in the month.

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**PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Ms. Hoover's staff report dated September 9, 2005, including information concerning Penn Laird Drive and Water Tower Road sewer (an updated schedule depends on receipt of all letters and easements from the residents); Lakewood/Massanetta Springs pump station (restoration work remains); McGaheysville WWTP (staff initiating plant expansion design); Phase III expansion of the landfill; Grassy Creek Tank (waterline portion of the project is complete), Three Springs Water System Analysis (final report tentatively scheduled for late January 2006); Countryside (reseeding remaining); Lilly Gardens (planning grant request submitted to Health Department) and City of Harrisonburg Waste to Energy Plant.

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**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated September 14, 2005, including information concerning the draft McGaheysville Area Plan (still being considered by Planning Commission subcommittee), priority projects, tabled requests, and upcoming requests. projects, tabled requests, and upcoming requests.

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**INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. O'Byrne's staff report dated September 8, 2005, including information concerning personnel, projects (web page development, ICHRIS, deed room hardware and software replacement, Eden Gold software update, fire transfer protocol site) and equipment (Finance Department printers and County auction items).

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**FIRE AND RESCUE CHIEF'S STAFF REPORT.**

The Board received and reviewed Chief Symons' staff report dated September 8, 2005, including information concerning personnel, training, Prevention Division activities, public education, and other activities.

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**RECREATION AND FACILITIES STAFF REPORT.**

The Board received and reviewed Mr. Eberly’s staff report dated September 8, 2005, including information concerning facilities (Pleasant Valley complex, District Courts renovation, and moving of Human Services into Metro building) and recreation programs.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN – AYE; CUEVAS – AYE; FLOYD – AYE; KYGER – AYE; the Board declared the following list of equipment, submitted by Mr. Eberly, as surplus and authorized that the items be sold at auction.

ITEM	QUANTITY
PLEASANT VALLEY	
FLOURESANT LIGHT ASSEMBLIES	65
OFFICE CHAIRS	13
GRAY METAL 2 DRAWER CABINETS	23
COPY MACHINES	3
FAX MACHINES	3
TYPEWRITERS (ELECTRIC)	2
OVERHEAD PROJECTOR	2
CORK BULLETIN BOARD	2
SOUND PROOF PANELS 2'X4'	13
FOLDING SEATS THEATER STYLE	4
FILE CABINETS	4
METAL DESK WOOD TOP	1
COAT RACK	1
DESK CHAIRS	3
SIDE CHAIRS	1
DRAFTING TABLE	1
COURTHOUSE (OLD)	
ADVANCE VACUUM CLEANER	1
HANDMADE WOODEN HANDTRUCK	1
CARD FILING CABINET	1
HUMAN SERVICES	
1989 CHEVY CAVILIER BLUE	1
1991 FORD TEMPO BLUE	1
RCAC	
CALCULATOR	1
CARD FILE CABINETS	15
Lexmark Optra T8612 printer	1
Okidata Microline 591 printer	1
Brother HL-10V printer	1
HP Laserjet III printer	1
HP Laserjet 5P printer	1
HP Laserjet 6L printer	1
HP Deskjet 712C printer	1
HP Deskjet 890C printer	1
HP 2100 Printer	1
Epson Stylus C80 printer	1

Okidata OL 400E printer	1
Genicom 4490XT printer	1
ITEM	QUANTITY
Gateway EV700 17" Monitor	2
GEM PD-556 15" Monitor	1
Dell 828FV 15" Monitor	1
KDS 518XN 15" Monitor	1
Proview 772 17" Monitor	2
Hyundai Deluxscan 17" Monitor	3
KDS Viewsonic 17" Monitor	2
AOC Spectrum 7VLR 17" Monitor	1
AOC 17" Monitor	2
SCEPTRE 17" Monitor	1
KDS Visual Sensation 17" Monitor	10
KDS Visual Sensation 15" Monitor	2
KDS Viewsonic 15GA 15" Monitor	1
Hyundai Deluxescan 5870 15" Monitor	1
Acer 54E 15" Monitor	1
KDS 17" Monitor	2
IBM 17" Monitor	1
Envision 17" Monitor	2
NEC Cromaclear 17" Monitor	1
KDS Visual Sensation 21" Monitor	2
Viewsonic P815 21" Monitor	3
PC – 750mhz, Pentium III, 256mb, 20gb Hard Drive	3
PC – 200mhz, 200 mmx, 32mb, 4gb Hard Drive	2
PC – 366mhz, 366, 64mb, 4gb Hard Drive	
PC – 800mhz, Pentium III, 256mb, No Hard Drive	1
PC – 800mhz, Pentium III, 256mb, 20gb Hard Drive	1
PC – 800mhz, Pentium III, 256mb, 20gb Hard Drive	1
PC – 200mmx, 98mb, 2gb hard drive	1
PC – 750mhz, Pentium III, 256mb, 10gb Hard Drive	1
PC – 800mhz, Pentium III, 256mb, 10gb Hard Drive	1
PC – 500mhz, Pentium III, 128mb, 10gb Hard Drive	1
PC – 500mhz, Pentium III, 256mb, 10gb Hard Drive	1
PC – 166mmx, 32mb, 2gb Hard Drive	1
PC – 600mhz, Pentium III, 32mb, 2gb Hard Drive	1
PC – 300mhz, Pentium III, 64mb, 4gb Hard Drive	1
PC – 750mhz, Pentium III, 256mb, 2gb Hard Drive	1
PC – 500mhz, Pentium III, 128mb, 4gb Hard Drive	1
PC – 300mhz, Pentium III, 64mb, 4gb Hard Drive	1
PC – 750mhz, Pentium III, 128mb,	1
PC – 750mhz, Pentium III, 128mb, 10gb Hard Drive	1
PC – 300mmx, 32mb,	1
PC – 750mhz, Pentium III, 256mb, 10gb Hard Drive	1
PC – 300 celeron, 64mb,	1
PC – 750mhz, Pentium III, 256mb,	1
ITEM	QUANTITY
PC – 333 celeron, 128mb, 4gb Hard Drive	1
PC – 300 celeron, 128mb, 4gb Hard Drive	1
PC – 300 celeron, 64mb, 10gb Hard Drive	1
PC – 300mhz, Pentium III, 192mb, 10gb Hard Drive	1
PC – 366mhz, Pentium III, 256mb, 4gb Hard Drive	1
PC – 366 celeron, 64mb, 4gb Hard Drive	1
PC – 366 celeron, 64mb, 2gb Hard Drive	1
PC – 800mhz, Pentium III, 512mb,	1
PC – 800mhz, Pentium III, 262mb, 20gb Hard Drive	1
PC – 750mhz, Pentium III, 128mb, 10gb HDD	1
Baynetworks Base Stack 252	1
Baynetworks Base Stack 255	10

Baynetworks Base Stack 350T	2
Synoptics Lattis Hub 2803	3
HP N3150 Laptop 333mhz with case	1
HP N3150 Laptop 64mb, no hard drive	1
Power supply	4
AT Power Supply's	4
HP Scanjet 74C	1
Cisco 1600 Router	1
Compaq Proliant ML350	1

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**COMMITTEE REPORTS.**

The Board heard Committee Reports by Board members and staff.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee, the Board approved the purchase of a Ford F-150 ½ ton pickup, regular cab, long bed, 4x4, from Dallas Hollar Ford in the amount of \$17,495.00, where the price is lower than the State Contract price. This vehicle is to be used by the Recreation and Facilities Department

On motion by Supervisor Breedon, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

- 1. As requested by the Commonwealth’s Attorney, approved a supplemental appropriation in the amount of \$3,523 to partially fund a position of a VSTOP Domestic Violence Services Coordinator. These funds would be provided from the General Fund Reserve.

Supplemental Appropriation:     \$3,523

\$ 3,523 GL Code: 001-02201-600-1300-000 (Salary & Wages-Part-time)  
\$ 3,523 GL Code: 001-05201-0100 (General Fund Reserve)

- 2. As requested by the Director of Social Services, approved a supplemental appropriation in the amount of \$40,000 to fund the position of an eligibility worker at the Community Services Board (CSB) location. These funds would be provided by the CSB and requires no local match.

Supplemental Appropriation:     \$40,000

\$29,972 GL Code: 220-05334-300-1100-000 (Full time Salaries)  
\$ 2,300 GL Code: 220-05334-300-2100-000 (FICA)  
\$ 3,700 GL Code: 220-05334-300-2201-000 (VRS)  
\$ 3,988 GL Code: 220-05334-300-2300-000 (Health Insurance)  
\$    40 GL Code: 220-05334-300-2703-000 (Workers Compensation)

\$40,000 GL Code: 220-01803-0209 (Salary Reimbursement-CSB)

3. As requested by the Director of Social Services, approved a supplemental appropriation in the amount of \$296,352 on behalf of the Community Management and Policy Team (CPMT) to close FY04-05 for the Comprehensive Services Act. These amounts are for services that were obligated before June 30, 2005, but for which invoices were not received until after the beginning of FY05-06. Of this amount, \$194,259 will be state and federal funding, and the balance, \$102,093, requires an increase in the local match. These funds will be provided from the General Fund Reserve. This appropriation necessitates a transfer from the General Fund to the social Services District in the amount of \$102,093 to provide the local match.

Supplemental Appropriation: \$296,352

\$296,352 GL Code: 220-05318-100-5714-000 ( CSA services )

\$194,259 GL Code: 220-02401-0200 (CSA State funding)

\$102,093 GL Code: 220-05101-2001 (Local funding)

Transfer

\$102,093 GL Code: 001-05201-0100 (General Fund Reserve)

\$102,093 GL Code:.001-9301-000-9527 (Transfer to Social Services District)

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On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Fire & Rescue Chief, the approved the request of Hose Company No. 4 for a loan in the amount of \$60,000, which is to be repaid over the next 5 years by deducting \$12,000 a year from the County's annual allotment provided during the budget process. Chairman Cuevas asked that staff develop guidelines for future requests since this is the second of this type received in the last 12 months. Included in the guidelines should be a requirement that the loan from the County be requested in advance of an agency applying for a grant to purchase equipment.

The Board discussed information provided by Hurd and Obenchain concerning the placement of generators in public schools for use as emergency evacuation centers. There was unanimous consent to ask that staff investigate the feasibility of using Pence and Hillyard Middle Schools and incorporating the electrical upgrades necessary for the generators in those school projects; and to ask staff to proceed to request written proposals from qualified contractors to perform the work as outlined in the study. Staff will investigate to see whether grants funds are available for this purpose.



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On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board reviewed the Preliminary Engineering Reports (PER) submitted by Peed & Bortz and Draper Aden for an evaluation of the proposed Pleasant Run Interceptor which would carry flow from the property, for which Rockingham Memorial Hospital has requested rezoning, to the Blacks Run interceptor and, as recommended by staff, (1) awarded the PER to Draper Aden in the amount of \$4,900, not including the Environmental Assessment, and (2) approved a supplemental appropriation of \$4,900 to 401-04402-000-3109-000 (Water and Sewer Distribution and Collection), with funding from the Water & Sewer Reserve.

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**CLOSED MEETING.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 9:20 to 9:45 p.m. for a closed meeting pursuant to Section 2.2-3711(A)7, contractual matters and Elkton annexation.

At 9:45 p.m., Chairman Cuevas called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER            RESOLUTION NO: X05-08  
SECOND: SUPERVISOR AHREND        MEETING DATE: SEPT. 14, 2005

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:  
AYES:            AHREND, BREEDEN, CUEVAS, FLOYD, KYGER  
NAYS:            NONE  
ABSENT:        NONE

**ADJOURNMENT .**

By consensus, the Board adjourned the meeting at 9:45 p.m.

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Chairman